

United States District Court, Northern District of Illinois (11)

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 399	DATE	2/7/2003
CASE TITLE	Stephen Assam vs. Elizabeth Assam-Metzler et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

(1) Filed motion of [use listing in "Motion" box above.]

(2) Brief in support of motion due _____.

(3) Answer brief to motion due _____. Reply to answer brief due _____.

(4) Ruling/Hearing on _____ set for _____ at _____.

(5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(7) Trial[set for/re-set for] on _____ at _____.

(8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.

(9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).

(10) [Other docket entry] Enter Memorandum Opinion and Order. We grant that motion and enter judgment for defendant and against plaintiff in the amount of \$7,249.36, together with costs.

(11) [For further detail see order attached to the original minute order.]

No notices required, advised in open court.		number of notices	Document Number
No notices required.			
Notices mailed by judge's staff.		date docketed	
Notified counsel by telephone.			
Docketing to mail notices.		docketing deputy initials	
Mail AO 450 form.	14000-01-00000000		
Copy to judge/magistrate judge.		date mailed notice	
WAH	courtroom deputy's initials		
		Date/time received in central Clerk's Office	mailing deputy initials

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STEPHEN ASSAM,)
Plaintiff,)
vs.) No. 01 C 399
ELIZABETH PATRICIA ASSAM-METZLER)
and HARTLAND MORTGAGE CENTERS,)
INC.,)
Defendants.)

MEMORANDUM OPINION AND ORDER

We earlier determined that defendant had the entire interest in her residence, having terminated a resulting trust. That left open defendant's counterclaim, and she has moved for summary judgment. We grant that motion and enter judgment for defendant and against plaintiff in the amount of \$7,249.36, together with costs.

Plaintiff moved to continue his response to the motion, citing his need for discovery. That we denied because the discovery sought was irrelevant. We did, however, grant plaintiff a last opportunity to respond to the motion. He did respond, but only to complain once again that he has not received discovery to which he believes himself entitled, and to ask for some additional discovery as well.

None of it, however, bears on defendant's counterclaim. The undisputed or undisputable facts establish that plaintiff, while the trustee of his sister's resulting trust, sued her in New York to obtain the property, claiming that he was the fee owner. That was a clear breach of his fiduciary responsibilities. Defendant incurred \$7,249.36 in legal expenses as a

result. She is entitled to recover that expense, resulting from a breach of trust.

That amount is, of course, far less than the \$75,000 diversity jurisdiction threshold amount. Even if this were not a compulsory counterclaim (and we believe that it is), it is so related to the claims in the original action that it forms part of the same case or controversy. Accordingly, we have supplemented jurisdiction pursuant to 28 U.S.C. §1367 to decide the matter.



JAMES B. MORAN
Senior Judge, U. S. District Court

Feb. 7, 2002.

United States District Court
Northern District of Illinois
Eastern Division

Stephen Assam

v.

JUDGMENT IN A CIVIL CASE

Case Number: 01 C 399

Elizabeth Assam-Metzler et al.

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that the court enters judgment in favor of defendant, ELIZABETH PATRICIA ASSAM-METZLER in the amount of \$7,249.36, together with costs against plaintiff, STEPHEN ASSAM.

Michael W. Dobbins, Clerk of Court

Date: 2/7/2003


Willie A. Haynes, Deputy Clerk